

Tuesday May 23, 2017

WT Docket No. 17-79

In the Matter of: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.

Notice of Proposed Rulemaking and Notice of Inquiry

Comments From:

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The Oklahoma State Historic Preservation Office comments on all requests from federal agencies or their designees, including the FCC and its applicants, within the thirty-day comment period stipulated in the Advisory Council on Historic Preservation's regulations (36 CFR Part 800). The following information for October 1, 2013 through May 12, 2017 serves as an example of the timing for and results of the reviews of FCC projects. A total of 454 towers were Reviewed during this period.

Timing:

30/6.7% Reviewed within 7 days of receipt  
252/55.5% Reviewed within 15 days of receipt  
166/36.6% Reviewed within 21 days of receipt  
6/under 1% Reviewed within 30 days of receipt

Results:

During this same period, the SHPO found that two (2) projects would have an adverse effect on historic properties. One of these adverse effects was eliminated through the consultation process. The second adverse effect could have been quickly mitigated under a Memorandum of Agreement. However, the applicant has refused to consult with FCC to move the project forward or to relocate the tower, even though the applicant's representative said this could be done. The reason given for not relocating the tower was the expense of reopening the consultation. We remain willing to accept and mitigate the adverse effect.

The SHPO had to request additional information for 46 of the 454 projects to have adequate information for completing the reviews. Thirty-eight (38) of these cases were resolved as either "no effects" or "no adverse effects." One adverse effect remains unresolved as discussed above. The SHPO received no response to seven (7) of its requests for additional information. In summary, 90% of all FCC projects in Oklahoma were found to have no effects or no adverse effects based on the applicant's first submission to the SHPO.

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Given our staffing size and workload, there is no way to review projects any faster. As shown above, the vast majority of FCC projects are reviewed in far less than the 30 days allowed for the Section 106 process. State budget considerations make it impossible to add staff or to upgrade technology to receive and respond to Section 106 consultations through an electronic process.

Finally, the FCC's notice suggests having Certified Local Governments (CLGs) perform reviews instead of the SHPO is not a practical option. In accordance with National Park Service regulations, the SHPO adopts its own state procedures, outlining which of its functions it will delegate to a CLG and under what circumstances. The Oklahoma SHPO currently has 13 CLGs, and none of them has ever requested participation in the expanded program under which they might request delegation of Section 106 responsibilities from the SHPO. There is little likelihood that such a delegation will ever occur in Oklahoma. Most CLGs do not have professional staff nor local Historic Preservation Commission members who meet the Secretary of the Interior's Professional Qualification Standards.